

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

ALAN LEE DEL VECCHIO,

CIVIL NO. 08-739 (JNE/JSM)

Petitioner,

v.

ORDER

STATE OF MINNESOTA,

Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated March 25, 2008. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED:

1. Petitioner's application for a writ of habeas corpus, (Docket No. 1), is summarily **DISMISSED WITHOUT PREJUDICE**.

2. Petitioner's application to proceed in forma pauperis, (Docket No. 2), is **DENIED**; and

3. Petitioner's request for "a stay and abeyance" is **DENIED**.

Dated: April 17, 2008

s/ Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge